

## **REMARKS**

Claims 1-23 were examined. Applicant has amended claims 1, 7, 10-12, and 14-23. Claims 1-23 are newly presented. No new matter is introduced.

### **Claim objections**

Claims 7, 20, and 23 are objected to because of informalities.

Claims 7, 20, and 23 have been amended to overcome this ground of rejection.

### **Rejections under §112**

Claims 11, 12, 14, 15, 17-19, 21, and 22 stand rejected under §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention.

The language in claims 11, 12, 14, 15, 17-19, 21, and 22, as pointed out by the examiner, has been amended and the Applicant respectfully requests that the rejections under §112 be withdrawn.

### **Rejections under §103**

Claims 1-9, 11-13, and 17-19 are rejected under §103(a) as being unpatentable over Aceti et al. US 6,923,764. This ground of rejection is respectively traversed.

As set forth in claim 1, the present invention provides, an electronic drive force generator coupled to a processor provides information relative to a depth of penetration of a penetrating member through a skin surface. A plurality of analyte detecting members are attached to a bottom surface a cartridge that contains a plurality of penetrating members.,

Aceti et al. does not have a processor that provides information relative to a depth of penetration of a penetrating member through a skin surface.

Instead, Aceti et al. has a controller that keeps count and track of used needles and chambers, operates the actuating devices, light emitting devices and detectors, and collects the raw output from the light detectors. The controller calculates an outcome from the raw data sufficient to determine if the value is in some cases too high or too

low. The outcome can be reported by a stored value that is later downloaded for consideration, in a visual analog or digital display on a scale, in a visual or sound-mediated signal giving an indication that the result falls in one of two or more categories (e.g., a. satisfactory, b. alarm; a. satisfactory, b. borderline out-of-acceptable range, c. alarm), or the like.

Aceti does not disclose a second element of a plurality of analyte detecting members "attached to a bottom surface of the cartridge." In contrast, as shown by Fig. 1, Aceti discloses one detector that is positioned within a ring of needles and chambers, where the detector is rotated by an axle together an arm to align with each of the needles and chambers. As explained in [0078]-[0079] of the specification of the current application, attaching the plurality of analyte detecting members to a bottom surface of the cartridge facilitates the manufacturing, assembly, and integration of the cartridge and provides a sealed environment for the penetrating members.

Since the rest of the claims depend on claim 1, they are also allowable at least for depending from an allowable base claim. The Applicant respectfully requests all rejections with respect to these claims be withdrawn.

### **Allowable subject matter**

Applicants thank the examiner for the indication that claims 10, 16, 20, and 23 would be allowable if rewritten to overcome the objections set forth in the office action.

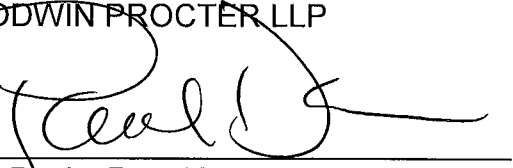
Claims 10, 16, and 20 have been rewritten to include the limitations in base claims. Claim 23 was in independent form and has been amended to overcome the objections set forth in the office action. The Applicant respectfully requests that these claims be allowed.

**CONCLUSION**

Applicant believes that the application is now in condition for allowance and respectfully requests the same.

The examiner is authorized to charge any fees due in connection with this paper to Deposit Account 50-4634 (PEL-2806).

Respectfully submitted,  
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Date: 12-15-08

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